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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Consideration of reports submitted by States parties under article 19 of the Convention pursuant to the optional reporting procedure

Seventh periodic reports of States parties due in 2015

Paraguay*,**,***

[Date received: 25 February 2015]

* The combined fourth to sixth periodic reports of Paraguay are contained in document CAT/C/PRY/4-6; they were considered by the Committee at its 1026th and 1027th meetings, held on 3 and 4 November 2011 (CAT/C/SR.1026 and CAT/C/SR.1029). For their consideration, see the Committee's concluding observations (CAT/C/PRY/CO/4-6).

** The present document is being issued without formal editing.

*** The annexes to the present document are on file with the secretariat. They are also available on the web page of the Committee.

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Replies to the list of issues adopted by the Committee against Torture at its fiftieth session (6 to 31 May 2013)

Articles 1 and 4

Reply to paragraph 1 of the list of issues

1. As part of the process of legislative harmonization, Paraguay recently amended its Criminal Code.[1] Enforced disappearance is defined as a crime that could be perpetrated by the State, by public officials or employees with State authorization, or by individuals, in line with the definition contained in the Convention. The definition makes it possible to differentiate the crime qualitatively from other punishable offences related to enforced disappearance.[2] In addition, the definition of the crime of torture contains elements that are in line with the definition in the Convention against Torture.

2. The Paraguayan Criminal Code establishes a 5-year minimum sentence for the crime of enforced disappearance.[3] The maximum sentence provided for is 30 years, and the defendant may be subject to security measures for a period of up to 10 years. Article 65 of the Criminal Code sets out general criteria with regard to possible mitigating or aggravating circumstances arising from the behaviour of the offender or offenders.[4]

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[1] Act No. 4614/12 of 22 May 2012 amending articles 236 and 309 of Act No. 1160/97 on the Criminal Code.

Article 236. Enforced disappearance. (1) Any person acting as a State official or agent or any person or group of persons acting with the authorization, support or acquiescence of the State, who arrests, detains or abducts one or more persons or in any way deprives them of their liberty and refuses to provide information on their whereabouts or to acknowledge the deprivation of liberty, or conceals the fate or whereabouts of the disappeared person, thereby placing them outside the protection of the law, shall be punished by no less than 5 years' imprisonment. (2) The provisions of paragraph 1 of this article shall apply even when the offender's status as a public official is not legally established or when the offence is committed by a person who is not an official.

Article 309. Torture. (1) Anyone who intentionally inflicts physical or mental pain or suffering on an individual or subjects them to a punishable act against sexual autonomy in order to obtain from them or a third party information or a confession for the purposes of criminal investigation, to punish them for an act they have committed or are suspected of having committed or to intimidate or coerce the individual concerned or others, as a preventive measure, as a penalty or for any other purpose, shall be punished by no less than 5 years' imprisonment. (2) Anyone who intentionally uses methods tending to suppress an individual's personality or diminish their physical or mental capacity shall be punished by no less than 5 years' imprisonment. (3) The provisions of paragraphs 1 and 2 of this article shall apply in the following cases: 1. if the perpetrator is acting as a State official or agent or is a person or group of persons acting with the authorization, support or acquiescence of the State; 2. if the perpetrator has wrongfully claimed the status of a public official; or 3. if the perpetrator is not a public official.

[2] Criminal Code, article 236. Enforced disappearance. (1) Any person working as a State official or agent or any person or group of persons acting with the authorization, support or acquiescence of the State, who arrests, detains or abducts one or more persons or in any way deprives them of their liberty, and refuses to provide information on their whereabouts or to acknowledge the deprivation of liberty, or conceals the fate or whereabouts of the disappeared person, thereby placing them outside the protection of the law, shall be punished by no less than 5 years' imprisonment. (2) The provisions of paragraph 1 of this article shall apply even when the offender's status as a public official is not legally established or when the offence is committed by a person who is not an official.

[3] Article 65 of the Criminal Code establishes the basis for determining the length of sentences as follows: (1) The length of the sentence shall be determined on the basis of the culpability of the offender, which shall also be a limiting factor; the impact of the sentence on the offender's future life

Article 2

Reply to paragraph 2 of the list of issues

3. Pursuant to the Committee's recommendations, Paraguay has strengthened the mechanisms for access to justice; in this context, a set of indicators on access to justice[c] has been developed, in addition to mechanisms to monitor the implementation of constitutional provisions[d] on deprivation of liberty.

4. The standardization of detainee registers in all the country's police stations has been undertaken by the Ministry of the Interior in conjunction with the National Police in order to promote good practice in line with international human rights standards for police work. In this context, conditions of detention in police stations and the use of the register of detainees are regularly monitored. The national preventive mechanism also conducts

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in society shall also be taken into consideration. In determining the sentence, the court shall take into account all the general circumstances for and against the offender and, in particular, the motive and purpose of the offence, the offender's attitude to the law, the level of criminal intent involved in the commission of the offence, the seriousness of the violation of the duty not to act or, where the offence is one of omission, the duty to act, the modus operandi, the means used, the extent of the damage and danger, and the consequences attributable to the offence, the life of the offender prior to the offence and their personal and financial circumstances, their behaviour after committing the offence and, in particular, the efforts made to redress the harm caused and to achieve reconciliation with the victim.

[c] The Human Rights Directorate and the Supreme Court have developed a set of quantitative and qualitative indicators on the right to a fair trial, broken down into categories highlighting different population groups; they also provide detailed information on access to the administration of justice that can help in the design and implementation of judicial policies.

[d] Article 12 — Detention and arrest. No one shall be detained or arrested without a written order from a competent authority, except in the case of persons caught in flagrante delicto in relation to a crime punishable with a prison sentence. All arrested persons have the right: (1) To be informed at the time of their arrest of the grounds for their arrest and of their right to remain silent and to be assisted by counsel of their choice. At the time of arrest, the arresting authority must produce the written arrest warrant; (2) to have the arrest immediately reported to their relatives or other persons specified by the arrested person; (3) to communicate freely, save when, in exceptional circumstances, an order is issued by a competent judicial authority to hold the person incomunicado, a persons' incomunicado status, which in no case may exceed the duration prescribed by law, shall not prevent the person from contacting defence counsel; (4) to have access to the services of an interpreter, if necessary; and (5) to be brought before a competent judge within 24 hours so that the latter may take appropriate legal measures.

Article 16 — Defence in a court of law. The right to a defence in legal proceedings is inviolable. Everyone has the right to be tried by competent, independent and impartial courts and judges.

Article 17 — Procedural rights. In criminal proceedings, or in any other proceedings that could give rise to a sentence or punishment, everyone has the right: (1) to be presumed innocent; (2) to a public hearing, except in cases determined by the court with a view to safeguarding other rights; (3) not to be convicted without a trial based on a law enacted prior to the act that is being prosecuted and not to be tried by special courts; (4) not to be tried more than once for the same act. Completed proceedings may not be reopened except for favourable review of judgments in criminal proceedings in the cases provided for by procedural law; (5) to conduct their own defence or be assisted by defence counsel of their choice; (6) to have the State provide them with defence counsel free of charge if they do not have the economic means to pay for counsel; (7) to be informed of the charge in detail before the trial and be provided with the necessary copies, means and time for the preparation of their defence under conditions of free communication; (8) to provide, take, check and challenge evidence; (9) not to have used against them evidence obtained or measures taken in violation of legal rules; (10) to have access, either in person or through their defence counsel, to documents pertaining to the proceedings, which may on no account be kept secret from them. The pretrial phase shall not last longer than is prescribed by law; and (11) to be compensated by the State in the event of wrongful conviction.

independent monitoring of the implementation of the register of detainees and cooperates with the Ministry of the Interior on the promotion of human rights.

5. In accordance with constitutional norms, specifically article 12 on detention and arrest and article 17 on procedural rights, and bringing the performance of police duties into line with existing legal provisions, the National Police has issued documents containing instructions which serve as the basis for police action.

6. The data on persons deprived of their liberty have also been standardized. In the case of foreign detainees, communication is via the diplomatic representation — embassies or consulates — in Paraguay.[7]

7. The following documents are relevant to the question:

(a) Circular No. 43 of 2 July 2014, under which the Office of the National Chief of Police established that the directors of technical assistance and the heads of the various police prefectures shall oversee the installation and effective implementation of the system for the registration of persons deprived of their liberty;

(b) Circular No. 07 of 14 January 2014 recalling the applicability of Resolution No. 671;

(c) Resolution No. 671 of 6 August 2013 which extends Resolution No. 176;

(d) Resolution No. 176 of 10 February 2010 on the establishment of the system for the registration of persons deprived of their liberty to safeguard and uphold human rights;

(e) Circular No. 65/14 of 26 November 2014 recalling the applicability of the American Convention on Human Rights (the Pact of San José), the International Covenant on Civil and Political Rights and the Vienna Convention on Consular Relations.

8. The National Police provided registers of persons deprived of their liberty to the heads of police stations in the metropolitan and central area via service note No. 229 of 18 May 2015, issued by the Office of the National Chief of Police, with the participation of representatives of the national preventive mechanism.

Reply to paragraph 3 of the list of issues

9. The National Human Rights Plan was officially adopted by means of Decree No. 10,747 of 6 March 2013. The prevention of torture and other cruel, inhuman or degrading treatment or punishment of detainees is addressed in strategic focus area III — 3.3 on access to justice and the prison system.

Reply to paragraph 4 of the list of issues

10. The draft Organization Act on the Public Defender Service has been enacted and has entered into force as Act No. 4423/11.[8] With regard to the human, financial and material resources necessary for the Public Defender Service, the allocated budget is 270,630,026,223 guaranies. The Public Defender Service is in the process of setting up

[7] Circular No. 65/14 of 26 November 2014.

[8] Article 1 of Act No. 4423/11 on the Public Defender Service provides for financial independence in the administration of its resources. In article 2, it is pointed out that the institution's financial independence involves the administration of the specific line items assigned to it in the general national budget.

offices in various cities nationwide and has 332 public defenders distributed across the country's judicial districts.[9]

11. The Service has budgetary autonomy, works to facilitate access to justice and to protect persons deprived of their liberty, and has an observatory of prisons and places of detention to monitor the conditions and treatment of detainees. Whenever a person shows signs of having been tortured, a complaint is lodged and the case is placed on record so that the proper investigation may be conducted.

Reply to paragraph 5 of the list of issues

12. The broad mandate of the Office of the Ombudsman is consistent with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).[10] With regard to the human, financial and material resources necessary for the Office of the Ombudsman, it received an allocation of 10,117,650,247 guaranies in 2011; 12,347,850,700 guaranies in 2012; 14,819,879,861 guaranies in 2013; 11,171,100,826 guaranies in 2014 and 11,053,134,153 guaranies in 2015.

13. With regard to the implementation of the recommendations of the final report of the Truth and Justice Commission, the Office of the Ombudsman has, inter alia, held public hearings on the follow-up and evaluation of the recommendations since 2011 and organized various workshops to promote human rights education. It has also promoted the campaign "25 years of democracy in Paraguay", which involves the organization of commemorations and tributes to the victims in line with the recommendations on memory and culture (recommendations 14, 15, 51, 54 and 56). The third report on compliance with the recommendations made in the final report of the Truth and Justice Commission is currently being prepared.

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[9] Available at: http://www.mdp.gov.py/defensores-public/defensores-publicos-por-circunscripciones.

[10] Constitution, Chapter IV, Other State bodies, Section I on the Office of the Ombudsman. Article 276 — The Ombudsman. The Ombudsman is a parliamentary commissioner whose duties are to defend human rights, channel claims by citizens and uphold community interests. In no circumstances shall the Ombudsman perform judicial or executive functions.

Article 277 — Independence, appointment and removal from office. The Ombudsman is independent and shall enjoy security of tenure. He is appointed by a two-thirds majority of the Chamber of Deputies, from a list of three candidates proposed by the Senate, to a five-year term, corresponding to the congressional term. The Ombudsman may be re-elected and may also be removed from office for misconduct, by the impeachment procedure established under the Constitution.

Article 278 — Requirements, incompatibilities and immunities. The Ombudsman must fulfil the same requirements as must be met by deputies and shall have the same incompatibilities and immunities as judges. During his or her term of office, the Ombudsman may not be a member of any branch of government or exercise any party political activity.

Article 279 — Duties and responsibilities. The Ombudsman's duties and responsibilities are to: (1) receive and investigate charges, complaints and claims concerning human rights violations and any other acts as may be determined by the Constitution and the law; (2) request from the authorities, including the police and security forces at their various levels, information for the more effective performance of his or her duties, the provision of such information being mandatory. He or she is entitled to have access to the places where any such acts are reported to have been perpetrated. The Ombudsman may also act on his or her own initiative; (3) publicly censure acts or conduct contrary to human rights; (4) report annually to the two chambers of Congress on his or her activities; (5) draw up and issue reports on those aspects of human rights that, in his or her view, require prompt public attention; and (6) carry out such other functions and powers as may be established by law.

Article 280 — Regulation of functions. The Ombudsman's functions shall be regulated by law in order to ensure their effectiveness, and departmental or municipal ombudsmen may be appointed.

Reply to paragraph 6 of the list of issues

14. The national preventive mechanism was established under Act No. 4288/2011. It is an independent body with functional autonomy whose objective is to prevent the practice of torture and protect persons who are deprived of their liberty or incarcerated.

15. Activities to set up the mechanism were carried out as part of the National Plan for Human Rights, and it became operational in 2013; it is the first such mechanism to come into operation in accordance with the standards of the Optional Protocol to the Convention against Torture in the region.

Reply to paragraph 7 of the list of issues

16. The Directorate of Police Justice is the body responsible for sanctioning acts of corruption and any other kinds of offences and/or crimes committed by agents of the National Police. Statistics on the number of police officers against whom administrative proceedings have been instituted, the number of cases dismissed, cases referred to the ordinary courts, and penalties such as suspension and dismissal in the period from September 2014 to September 2015 are as follows.

Total cases September 2014-September 2015	*Cases dismissed*	*Cases punished with suspension*	*Cases punished with dismissal*	*Cases referred to the ordinary courts*	*Cases closed*
69	26	23	7	12	1

Reply to paragraph 8 of the list of issues

17. A bill on the comprehensive protection of women against all forms of violence, presented in March 2015, is currently being reviewed in the Chamber of Deputies.[11] The bill is intended to improve and coordinate systems so as to ensure the full realization of women's human rights, as provided for in the Constitution and national laws.

18. In the same vein, Act No. 5378 was promulgated in December 2014 to amend article 229 of Act No. 1160/97 Criminal Code and its amendment of Act No. 4628/12, which provides: anyone who takes advantage of a family or cohabitation setting to inflict physical or psychological violence on another person, whether or not they are living with them, shall be punished by 1 to 6 years' imprisonment. Article 128 of Act No. 3440/08 amends Act No. 1160/97 on sexual coercion and rape.

19. In addition to legislation, there are public policies to deal comprehensively with gender-based violence which specify the action the various State institutions should take in order to provide care for all persons:

(a) The National Plan to Combat Violence against Women 2015-2020 is currently being revised in order to guide the actions of the various institutions and optimize

[11] The bill includes the following criminal offences of violence against women: femicide; sexual, physical, psychological, cyber and economic violence, at work, at school or in public spaces; policy, offensive advertising, discriminatory education, production and dissemination of sexist teaching materials, neglect of duties by public officials, disclosure of restricted data, ill-treatment and denial of services, and offences against dignity, among others, in line with the international commitments of Paraguay under the Convention on the Elimination of All Forms of Discrimination against Women and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará). As part of this process, seminars, public hearings and dialogues with experts from the follow-up mechanism of the Convention of Belém do Pará of the Organization of American States have been held and efforts have been made to exchange experiences with States that have already enacted such comprehensive laws.

the provision of services and ensure a comprehensive approach with the participation of different State sectors involved in preventing, addressing, protecting against and punishing gender-based violence as well as taking account of international parameters and standardized progress indicators to measure implementation of the Convention of Belém Do Pará so as to contribute to eradicating gender-based violence in Paraguay;

(b) The National Sexual and Reproductive Health Plan 2014-2018, adopted by SG Resolution No. 340 of 30 December 2013, whose strategic focus areas include preventive measures and care for persons affected by domestic, sexual and gender-based violence;

(c) The first strategic priority of the proposed public policy on social development for 2010-2020 deals with the prevention, punishment and eradication of all forms of gender-based and age-based violence with a view to establishing effective and accessible mechanisms;

(d) First plan on equal opportunities for men and women of the municipality of Asunción 2012-2016;[12]

(e) The National Programme for the Prevention of Gender-Based and Domestic Violence and the Comprehensive Care of Women, Children and Adolescents Affected by Such Violence 2010-2015 of the Ministry of Public Health and Social Welfare aims to help prevent situations of gender-based and domestic violence and provide comprehensive care to women, children and adolescents who are victims of such violence;

(f) The social and situational crime prevention priority area of the National Public Safety Strategy aims specifically to control and reduce levels of gender-based and domestic violence through public awareness-raising activities and campaigns to strengthen primary prevention.

20. In an effort to improve conditions for access to and use of public services, the SOS MUJER 137 hotline for women who are victims of domestic violence was introduced in 2011 and operates 24 hours a day 365 days a year.

21. The 911 emergency telephone service has assigned the number 1600 to deal with cases of domestic violence, which are registered separately, and there is a manual of procedures.

22. In 2012, as part of its strategy to decentralize public policy on prevention and on support and protection of women affected by gender-based violence, the Ministry of Women set up the regional centres for women.[13] The Women's Support Service also provides comprehensive care, information and advice to women affected by violence.

23. The Complaints Department of the Public Prosecution Service has been set up in the Medical Emergency Centre so that victims of sexual abuse, sexual coercion and domestic

[12] By City Council resolution No. 1507/12 of 16 August 2012 and Municipal Council resolution No. 3562 of 29 August 2012.

[13] In 2012, services were provided to 346 women at the regional centre for women in Ciudad del Este, 116 women at the regional centre in Filadelfia, 102 women at the centre in Curuguaty and 24 women at the centre in Pedro Juan Caballero. In 2013, services were provided to 543 women at the regional centre for women in Ciudad del Este, 843 at the regional centre in Filadelfia, 688 at the centre in Curuguaty and 271 at the centre in Pedro Juan Caballero. In 2014, services were provided to 432 women at the regional centre for women in Ciudad del Este, 202 at the regional centre in Filadelfia, 512 at the centre in Curuguaty and 275 in Pedro Juan Caballero. From January to June 2015, services were provided to 211 women attending the regional centre for women in Alto Parana for the first time, 129 in Pedro Juan Caballero, 211 in Curuguaty and 90 in Filadelfia. All of the services are provided by professionals and there is a follow-up process for all cases.

violence can undergo medical examinations and lodge complaints in one and the same place.

24. The 24-hour unit of the Supreme Court receives reports of domestic violence which are then referred to a magistrates' court.

25. Efforts have been made to enhance coordination at the national and regional levels with a view to improving the way public institutions respond to crimes of gender-based violence, using tools such as: the protocol for the investigation of violence against women committed in a family setting from a gender perspective drawn up by the Public Prosecution Service in coordination with the Ministry of the Interior and the Ministry of Women; the regional protocol for comprehensive support for victims of gender-based violence; the mechanisms for institutional coordination on gender-based violence; and the police procedures manual for dealing with victims of gender-based violence.

26. The first survey on gender-based domestic violence has been conducted, providing information that can be used to develop and implement public policy to prevent this scourge.

27. The Justice and Gender Observatory of the Supreme Court has developed a range of indicators portraying the administration of justice from the gender perspective in order to facilitate the adoption of decisions. Complaints relating to violence lodged with the magistrates' courts have been systematically classified, as have other data on the economic and social situation of women.

28. Prevention and awareness-raising activities have included the following campaigns:

(a) The Ibero-American Zero Violence Campaign (2011), led by the Vice Ministry of Youth and the Ministry of Women, had two objectives: to support and enhance existing local campaigns by sending a shared message across Ibero-America and to raise awareness among young people and society in order to prevent, reduce and eradicate gender-based violence;

(b) "Not me, not you, not her" (2013); "Dating without violence", with the aim of detecting and preventing situations of violence among dating couples and raising awareness among young people in order to foster healthy relationships. The campaign was initiated in 2014 and has reached some 4,100 young people to date;

(c) "Street harassment is violence against women" aims primarily to raise awareness among society as a whole that street harassment is a form of violence against women that needs to be eradicated;

(d) "Ehechakuaáke, Open Your Eyes, Report Violence against Women": the Guaraní word means "realize" and was aimed especially at men;

(e) "Stop violence against women";[14]

(f) Audiovisual material entitled "For a life without violence against women" has also been presented.

29. The National Police has 14 offices to support victims of violence against women, children and adolescents.[15] The statistics department of the National Police has recorded the following data.

[14] More information on these campaigns is available at http://www.mujer.gov.py/campanas.

[15] The women's support offices are distributed as follows: 3 in Asunción, 1 in Pedro Juan Caballero, 1 in Encarnación, 1 in Ñemby, 1 in Luque, 1 in Fernando de la Mora, 1 in Guarambaré, 1 in San Miguel — Villarrica, 1 in Villeta, 1 in Salto de Guaira, 1 in Ciudad del Este and 1 in Coronel Oviedo.

	2014		January-July 2015	
Domestic violence 2014 2015	*Reported*	*Investigated*	*Reported*	*Investigated*
Total	**1 405**	**1 401**	**781**	**774**

Cases of domestic violence, attempted coercion and sexual coercion recorded by the National Police

Year	*Family violence*	*Attempted sexual coercion*	*Sexual coercion*
2011	655	20	53
2012	1 195	22	80
2013	1 166	21	74
2014	1 368	17	78
Up to March 2015	320	3	16

Calls received by the 911 system related to domestic violence

Year	*Family violence*
2014	32 883
Up to April 2015	11 124

Source: National Police 911 emergency system

Complaints filed, disaggregated by sex and by year

Number of complaints of domestic violence brought before the magistrates' courts nationwide

Year	*Female*	*Male*	*Not registered*
2012	5 716	720	5
2013	6 794	770	136
2014	4 171	518	69

Source: Gender Observatory of the Supreme Court

30. According to statistics from the online criminal registration system, between 2012 and 2014, 6 per cent of all recorded cases that were brought before the criminal courts involved domestic violence and 1 per cent sexual coercion.

31. The majority of victims — 87 per cent — of domestic violence are women, while the majority of the accused are men — 95 per cent.

32. The victims in 100 per cent of cases of sexual coercion are women, while all of the accused are men.

33. Both the victims and perpetrators in the recorded cases of domestic violence are mostly in the 21-40 age group.

Women's Support Service (SEDAMUR) (2011-July 2015)

Data on women affected by violence who received comprehensive support from the Women's Support Service (SEDAMUR) of the Ministry of Women

Year	*2011*	*2012*	*2013*	*2014*	*July-15*
Total	**1 167**	**1 014**	**2 267**	**2 167**	**1216**

137 hotline – SOS Mujer (November 2011–July 2015)					
Data on calls received by the SOS hotline for women victims of domestic and family violence					
Month Year	*November 2011*	*2012*	*2013*	*2014*	*July 2015*
Total calls	**227**	**7 878**	**13 646**	**12 139**	**7 371**

Mercedes Sandoval women's shelter						
Data on women victims of violence accommodated at the Mercedes Sandoval shelter of the Ministry of Women						
Month Year	*November 2010*	*2011*	*2012*	*2013*	*2014*	*July 2015*
Women	3	47	46	59	43	31
Children	6	68	83	72	60	45

34. An important development in the Public Prosecution Service has been the establishment of the specialized unit for gender issues, children and adolescents to provide individualized support to women, children and adolescent victims of specific gender-based punishable offences, taking into account the need for specialized attention based on the specific nature of these offences.[16]

35. According to the database of the Public Prosecution Service's Directorate of Criminal Complaints, in 2012 the specialized unit on trafficking in persons registered 41 complaints for punishable offences that come under its mandate. In 2013, 128 such complaints were registered, and between 2000 and 2014 a total of 1,159 complaints of femicide were registered.

36. The Attorney General's Office has signed the protocol for the investigation of violence against women in family settings from a gender perspective drawn up by the Public Prosecution Service in cooperation with the Ministry of the Interior, the National Police and the Ministry of Women, the fundamental objective of which is to promote the mainstreaming of a gender perspective in the investigation and punishment of the offence of domestic violence and the provision of support to victims.

37. The Attorney General's Office issued instruction No. 09/15 which establishes the procedure to be followed when requesting that procedural steps be carried out by the institution's Victim Support Centre, which provides free assistance during criminal proceedings (including oral and public trial proceedings). The Public Prosecution Service has forensic specialists in the Directorate of Legal and Forensic Medicine who conduct the necessary medical examinations for the investigation and verification of injuries. Victims, their relatives or any other person who has direct knowledge of the facts may lodge complaints. According to statistics from the Victim Support Centre, 792 persons have received assistance for family violence.

Reply to paragraph 9 of the list of issues

38. Below are details in relation to the crime of trafficking in persons.

[16] The unit's responsibilities include investigating the following punishable offences: coercion, sexual assault, trafficking in persons, sexual abuse, child sexual abuse, procuring, statutory rape, ill-treatment of minors, incest, family violence, violation of parental rights and non-compliance with maintenance obligations. An average of approximately 480 such cases are filed annually.

Victims by age group

	2012	*2013*	*2014*	*2015*
Boys	2	5	6	9
Girls	11	14	44	31
Total children	**13**	**19**	**50**	**40**
Men	15	11	8	7
Women	56	36	50	42
Total adults	**71**	**47**	**58**	**49**
Total (children and adults)	**84**	**66**	**108**	**89**

By nationality

2012		*2013*	
Nationality	*Number*	*Nationality*	*Number*
Paraguayan	83	Paraguayan	61
Brazilian	1	Ecuadorian	1
		Thai	1
		Colombian	3
2014		*2015*	
Nationality	*Number*	*Nationality*	*Number*
Paraguayan	99	Paraguayan	89
Korean	4		
Colombian	3		
Brazilian	1		
Argentine	1		

Total per year	**2012**	**2013**	**2014**	**2015**
	49	48	80	57

Total per sex	**2012**	**2013**	**2014**	**2015**
Men	17	16	14	16
Women	67	50	94	73

The data for 2015 cover the period up to 31 July.

39. The purpose of Act No. 4788/12 is to prevent and provide for the punishment of human trafficking in all its forms, on national territory and abroad as well as to protect and assist victims, strengthening State action to combat this crime. Another instrument in this area is the National Policy on Preventing and Combating Trafficking in Persons in the Republic of Paraguay 2010-2019. Institutions such as the Ministry of Women, the Public Prosecution Service and the judiciary constantly develop public campaigns for the prevention of all kinds of violence against women.

40. As part of its preventive efforts, the Department to Combat Trafficking in Persons and Related Offences has conducted two prevention campaigns, the first on 23 September 2013 entitled "Blue Heart" with the slogan "Report trafficking — don't be an accomplice".

the objective of which was to raise public awareness and draw attention to the existence of the Department as a specialized police unit to combat this scourge, as well as the various regional offices located in the most vulnerable areas of the country. The second was "Joaju 2014", with the slogan "United for one passion — free from exploitation" during the 2014 FIFA World Cup Brazil, June-July 2014, as part of which persons were registered and checked at the busiest border crossings.

Article 3

Reply to paragraph 10 to the list of issues

41. New normative developments include the ratification of two conventions, the Convention on the Reduction of Statelessness and the Convention relating to the Status of Refugees, which were approved by Act No. 4564/12 and Act No. 5164/14, respectively.

42. The National Refugee Commission (CONARE) with the support of the Office of the United Nations High Commissioner for Refugees is developing a joint workplan to strengthen protection mechanisms for asylum seekers, refugees and stateless persons in Paraguay.

43. The number of persons granted refugee status by Paraguay stands at 174: 27 requests are under consideration. The following table provides statistics disaggregated by sex and country of origin.

	Women	*Men*	
Bolivia	8	9	
Burkina Faso	-	1	
Cameroon	-	1	
Colombia	17	22	
Congo	-	1	
Cuba	30	36	
Germany	1	-	
Iran		1	
Iraq	2	4	
Russia	5	3	
Sierra Leone	-	1	
Sri Lanka	-	1	
Sweden	-	1	
Syria	6	18	
Viet Nam	3	3	
Total	**72**	**102**	**174**

44. The appeals mechanisms are specified in the Refugee Act (Act No. 1938/02). Under article 30, all decisions taken by CONARE are subject to appeal by the individual concerned or his or her legal representative within 10 days of notification. The remedies which may be invoked are: (a) application for reconsideration, to be submitted to the Executive Secretary of CONARE and brought before CONARE for the final decision and (b) appeal, to be submitted to the Executive Secretary of CONARE and brought before the Minister for Foreign Affairs, who shall issue a decision within a maximum of 30 working

days. Article 31 states that the decisions on the remedies provided for in the previous article shall exhaust administrative channels and leave open the possibility of accessing the ordinary justice system.

Reply to paragraph 11 of the list of issues

45. The number of extraditions processed from 2013 to date stands at 47 active extraditions and 84 passive extraditions (131 in total).

46. The minimum content of assurances or guarantees, whether given or received, relating to extradition, includes the following: the person liable to extradition shall (a) not be subjected to torture, cruel or inhuman treatment; (b) not be subject to capital punishment or a life sentence; (c) not be tried for crimes other than those for which extradition was sought; and (d) be tried in lawfully established and impartial courts.

Articles 5 to 9

Reply to paragraph 12 of the list of issues

47. In accordance with criminal legislation, the judicial authorities in Paraguay have universal jurisdiction and, under article 5 of the national Constitution, acts of torture and enforced disappearance are considered imprescriptible crimes.

48. For example, the oppressor, Atilio Bianco, former captain and doctor, was arrested in 2008 in Paraguay and extradited in July 2011 to Argentina after being tried in Paraguay for the abduction of babies and other crimes against humanity committed during the last Argentine dictatorship.

Reply to paragraph 13 of the list of issues

49. It should be emphasized that most of the treaties and other international instruments and other treaties on mutual legal assistance in extradition and criminal matters adopted by Paraguay, as well as the bilateral treaties on extradition signed by the country, provide for prohibition of the expulsion, return, surrender or extradition of a person to another State where there are substantial grounds for believing that they could be the victim of enforced disappearance is covered in the extradition treaties concluded by Paraguay and also in bilateral treaties on extradition concluded in Paraguay. They provide that States have the option of delaying the surrender of a person whose extradition has been requested if they believe that this could put the person's life at risk or that there is the possibility that the person will be subjected to torture or cruel, inhuman or degrading treatment or punishment, which are generally closely linked to enforced disappearance.

50. The following are the bilateral extradition treaties signed by Paraguay through the Act on ratification: Germany (Act No. 70/1914), Brazil (Act No. 666/1924), Chile, Belgium (Act No. 1032/29), China-Taiwan (Act No. 1208/86), Spain (Act No. 1665/2000), United States of America (Act No. 1442/1999), Italy (Act No. 1089/97), Uruguay (Act No. 584/60), Argentina (Act No. 1061/97), Korea (Act No. 984/96), France (Act No. 1090/97), Peru (Act No. 1982/2002), Austria (Act No. 1311/98), Bolivia (Act No. 1668/2001), Costa Rica (Act No. 1921/2002), Mexico (Act No. 3027/2006), Panama (Act No. 3763/2009), and Honduras (Act No. 3716/2009).

51. Paraguay is also a party to the following multilateral treaties on mutual legal assistance in extradition and criminal matters: the United Nations Convention against Transnational Organized Crime, the Palermo Convention (Act No. 814/2002), the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Act

No. 2396/2004), the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (Act No. 3216/2007), the United Nations Convention against Corruption (Act No. 2535/2007), the Inter-American Convention on letters rogatory (Act No. 613/76), and its additional Protocol (Act No. 894/81), the Inter-American Convention on the Taking of Evidence Abroad (Act No. 612/76), the Inter-American Convention on Execution of Preventive Measures (Act No. 890/81), the Inter-American Convention on Mutual Assistance in Criminal Matters (Act No. 2194/2003), and its additional Protocol (Act No. 2192/2003), the Inter-American Convention against Corruption (Act No. 977/96), the Convention for the Suppression of Unlawful Seizure of Aircraft (Act No. 290/71), the Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion That Are of International Significance, the Washington Convention, (Act No. 2378/2004), the Convention on Psychotropic Substances of 1971 (Act No. 339/71), the International Convention against the Taking of Hostages (Act No. 2359/2004), the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Act No. 16/90), the Inter-American Convention on Serving Criminal Sentences Abroad (Act No. 2195/2003), the Inter-American Convention on International Traffic in Minors (Act No. 1062/97), the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (Act No. 1505/99), the International Convention for the Suppression of the Financing of Terrorism (Act No. 2381/2004), and the Inter-American Convention against Terrorism (Act No. 2302/2003).

Reply to paragraph 14 of the list of issues

52. Bilateral agreements on judicial cooperation in criminal matters have been concluded by Paraguay with the following countries: Venezuela (Act No. 1053/97), Peru (Act No. 1047/97), France (Act No. 1117/97), Colombia (Act No. 1211/97), Costa Rica (Act No. 1152/97), Ecuador (Act No. 1232/98), Spain (Act No. 1656/2000), Mexico (Act No. 3118/2006), Panama (Act No. 3535/2008), Honduras (Act No. 3718/2009), and Italy (Note No. 902/2003).

Article 10

Reply to paragraph 15 of the list of issues

53. As part of its programme to apply international human rights standards in policing and with the support of the Voluntary Fund of the Subcommittee on Prevention of Torture, the Ministry of the Interior has produced 2,000 registers for the mandatory registration of detainees in police stations[17]. It also promotes training for elite units of the National Police, with a focus on respect for human rights when using force, arresting, detaining and carrying out searches. The National Police follow several procedural protocols including a protocol on mass crowd-clearing and a protocol on policing conflicts arising from crop sowing, spraying or harvesting. In conjunction with the Public Prosecution Service, a joint plan of action has been drawn up to deal with unlawful occupation of property. The Handbook on the Use of Force has been introduced. For the sixth year running, the Ministry of the Interior and the International Committee of the Red Cross have provided human rights training for police officers.

[17] The registers contain information pertaining to the proceedings, such as the legal basis for the deprivation of liberty, time of entry into the prison facilities, identification of the authority which ordered the arrest, identity of the officials involved, etc.

54. Particular mention should be made of the training programmes established by the State to ensure that public servants, in particular police and other law enforcement officers, are familiar with the provisions of the Convention. Human rights are mainstreamed in the various curricula of all study programmes:

(a) The National Police Academy: international human rights conventions and norms as they apply to policing are mainstreamed in the study programmes concerning law (criminal law and institutional regulations) and the profession (police procedures, operational techniques and tactics) and are covered in workshops run by the International Committee of the Red Cross for administrative and training staff;

(b) The Sargento Ayudante José Merlo Saravia police training college: international human rights standards have been included and mainstreamed since 2010; training courses have been provided for teachers and students; and the Handbook on the Use of Force is used;

(c) Practice school for non-commissioned officers: the international human rights norms and conventions as they apply to policing are mainstreamed in the study programmes of the legal department (police legislation, police practice and procedure, police ethics and morals) and the administrative and training staff of this institute were trained in that respect;

(d) Professional specialization school: the subjects taught in this institute, such as the safety of persons and their property in unit I, include the introduction and development of the Universal Declaration of Human Rights. In the module on professional knowledge and use of arms in unit II, human rights standards for the security forces are covered;

(e) Training course for officials: this course curriculum includes 27 hours of human rights lectures.

55. The Ministry of National Defence notes that the courses for military justice personnel (who in turn advise the various military units) cover the non-applicability of statutory limitations for torture, and cruel, inhuman or degrading treatment, as well as responsibility before the national and international courts.

56. The official syllabuses of the Armed Forces training institutions and centres are being harmonized at all levels, and a human rights handbook is also being developed, with the participation of human rights representatives from the Armed Forces and staff from the Ministry of National Defence and with the support of the United Nations Office of the High Commissioner for Human Rights in Paraguay.

Reply to paragraph 16 of the list of issues

57. Training programmes for prosecutors and other public servants in the Public Prosecution Service are held in the Public Prosecution Service Training Centre, which has ISO quality certification 9001:2008. From January to September 2014, the Centre performed a total of 48 activities with the participation of 1,366 public servants overall. Priority was given to training in the interior of the country (17 courses with 502 participants). The Centre developed new syllabuses on gender and human rights for the Victim Care Centre. The Public Prosecution Service Training Centre also carries out research in various areas, such as torture and non-retroactive application of the law, and analysis of the applicability of the Criminal Code in cases of torture.

58. In light of the fact that the punishable act of torture constitutes one of the most complex crimes in terms of its classification and investigation, in 2006, the Public Prosecution Service, in cooperation with the German Technical Cooperation Agency (GTZ),

drafted and published the "Practical guide to investigating cases of torture",[18] to help guide prosecutors and other officials in the investigation of human rights violations. To ensure access to justice, effectiveness and efficiency in criminal prosecutions of human rights violations, particularly cases of torture, the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) was adopted.

59. This manual upholds, as a legal guideline, the model of conduct described in Act No. 4614, amending articles 236 and 309 of Act No. 1160/97 (the Criminal Code), passed in 2012. The definition is in line with the international legal framework against torture, as contained in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Inter-American Convention to Prevent and Punish Torture, and the Rome Statute of the International Criminal Court. The adoption of the new Act is of the utmost legal significance given the need to amend the criminal definition torture and bring it into line with international law (in accordance with the recommendations addressed to Paraguay).

60. There is a department under the Ministry of Justice for the monitoring of prisons and an intervention procedure for reports of alleged violations of the human rights of persons deprived of their liberty, in addition to a procedure for reports of torture,[19] which takes into account the Istanbul Protocol, under which an operating mechanism is established with regard to acts of torture.

Article 11

Reply to paragraph 17 of the list of issues

61. Under Act No. 4288/11, in line with the mandate of the Optional Protocol to the Convention against Torture, the national preventive mechanism was established, a State institution with functional autonomy. Its mandate includes periodic visits to places where persons are deprived of their liberty to prevent torture and other cruel, inhuman or degrading treatment or punishment.

62. With a view to effectively coordinating and implementing the public policy on prevention, rehabilitation and restorative justice, the Ministry of Justice, through Decree No. 1796/2014, was restructured and the Office of the Deputy Minister for Crime Policy was established, responsible for formulating, directing, coordinating and implementing public policy on prisons.

63. One of the first actions in that direction was the implementation of the national prison reform, which has four strategic pillars: (a) prison living conditions — infrastructure and basic needs: improving the infrastructure of prisons; developing plans for personalized attention, education and comprehensive health treatment which address educational, mental, physical, social and spiritual needs; (b) prison guard careers — prison service: professionalization of prison work and the internal monitoring mechanism; (c) social rehabilitation: plans for training and employment; and (d) monitoring legal proceedings in relation to detainees — normative framework and legal status.

[18] The "Practical guide to investigating cases of torture" is based on the Istanbul Protocol and deals with the investigative activities to be conducted immediately after the occurrence of acts relating to torture comes to light, the objectives of the investigation, the treatment of and interviews with the victim, witness identification, physical, psychological and psychiatric signs of torture, the preliminary examination by a forensic doctor, statements and interrogations, and requests for reports.

[19] Resolution No. MJ 871 of 6 October 2015.

64. The aim of the reform is to make the country's prisons more humane places through a comprehensive prison reform plan which provides for the State's investment in the rehabilitation and social reintegration of persons deprived of their liberty.

Reply to paragraph 18 of the list of issues

Women	791 (6.4%)
Prosecuted	558 (70.5%)
Convicted	233 (29.5%)
Men	11 421 (93.6%)
Prosecuted	8 902 (77.9%)
Convicted	2 519 (22.1%)
Adult prison population	12 212 (6.4%)
Prosecuted	9 460 (77.5%)
Convicted	2 752 (22.5%)
Increase since January 2000	2 000 (16.8%)
Adolescent population	378
Total prison population	**12 590 — 100%**

65. Between 2013 and 2014, the number of persons deprived of their liberty increased by 1,700, by April 2015 it had increased by 500 persons, and an increase of 2,000 was estimated by December 2015.

66. The rate of deprivation of liberty per 100,000 inhabitants was 2,019 in 2011, 120 in 2012, 140 in 2013, and 182 in 2014.

67. On the Koe Pyahu and Itá Pora farm prisons, courses in agricultural field management and vegetable cultivation are carried out with the cooperation of a professional engineer from the Faculty of Agronomy.

68. In Tacumbú national prison middle management training courses are carried out in cooperation with the National Career Development Service, as well as courses in the preparation of thermoses and gourds for mate and in leather and wood crafts. In Esperanza industrial prison, tilework and tailoring is carried out. Activities performed in other regional prisons include, in San Pedro prison: gourd preparation, fabric and yarn-based crafts, and the sale of various products; in Villarrica regional prison: the sale of handicrafts, leatherwork, the sale of food and various products; in Concepción regional prison: gourd preparation, handicrafts, fabrics and embroidery; in Pedro Juan Caballero regional prison: sale of handicrafts and leather embossing; in Coronel Oviedo regional prison: carpentry and handicrafts; in Ciudad del Este regional prison: gourd preparation, glass embossing, diverse handicrafts; and in Misiones regional prison: gourd preparation, leather craft, upholstery and carpentry.

69. Under an agreement with the National Secretariat for Sport, adolescents can practise sports, such as boxing, rugby and taekwondo. In addition, the Real Madrid Foundation provided a technical director for football. Under agreements with the National Career Development Service, courses are delivered in carpentry, dressmaking, electricity, and hairdressing.

70. In December 2015 the first educational course in motorcycle electrics and mechanics was rolled out in the Esperanza integrated educational facility, with the participation of 19 adolescents. It is expected that courses will continue over the current year with a view to facilitating the social rehabilitation of the adolescents.

71. The gender perspective is part of the social rehabilitation component and for that purpose, within the framework of the Plan for women, in December the "Cambiando El Rumbo" ("Changing course") project was launched, which consists of an industrial dressmaking workshop. Thirty female inmates are currently working in Buen Pastor prison. Through an arrangement with the Secretariat for Tourism (SENATUR), in October 2014 the Ministry of Justice, with the Paraguayan Handicrafts Institute, set up a permanent stand for the exhibition and sale of handicrafts made by prisoners.

72. Furthermore, under an agreement with the Fujikura enterprise, a workshop was organized in the Juana María de Lara correctional facility for women in Ciudad del Este to provide access to employment for women prisoners. The project enables the prisoners to carry out paid work for the period of their prison term and also provides them with the possibility of being hired as permanent employees in the enterprise once they have served their sentence and regained freedom.

73. The "Music behind bars" project has also been implemented, which involves inmates from Emboscada regional prison and from the Casa del Buen Pastor correctional facility for women.

Reply to paragraph 19 of the list of issues

74. As part of plans to improve and construct buildings, the country's first post-prison hostel was built, which began operations in September 2014 with an initial capacity to accommodate 40 persons. The hostel includes social workers and, where a person so wishes, members of religious orders are available to provide spiritual support. There is also a job placement service to help with obtaining employment. Other initiatives include: the construction of sanitary facilities and complete renovation of Ciudad del Este prison; the refurbishment and fitting out of the kitchen and bakery in the Juana María de Lara correctional facility for women in Ciudad del Este; the complete refurbishment of the kitchen and of the "D" wing in Tacumbú national prison; the complete renovation and construction of new units in the Itauguá educational facility; the renovation of the kitchen and other sections of Buen Pastor prison; the construction of two wings in Coronel Oviedo regional prison with capacity for 300 inmates; and the construction of new prisons in Ciudad del Este and Emboscada (for men and women), each with a capacity for 500 prisoners.

75. With regard to health, in 2014 and 2015 the Ministry of Justice designated medical professionals to strengthen the multidisciplinary approach to health needs. Progress continued under the National Tuberculosis Programme and the National HIV/AIDS Programme. Furthermore, steps are being taken towards the finalization of the mental health and addiction prevention plan in cooperation with the Addiction Centre and Mental Health Directorate. Medical professionals' timetables were expanded and administrative changes to monitoring were implemented, through DGGDP Circular No. 13/14, to more effectively monitor attendance.

Reply to paragraph 20 of the list of issues

76. The Penal Enforcement Code, Act No. 5.162/14, establishes disciplinary sanctions applicable to persons deprived of liberty, graded as minor, serious and very serious. It also establishes sanctions on an individual basis, providing for solitary confinement and specifying that the general health of the person deprived of liberty in solitary confinement must be constantly monitored by a doctor and senior prison guard.

Reply to paragraph 21 of the list of issues

77. According to recent data, 30 deaths in prison were reported in 2014, including 4 in the Itauguá educational facility, 7 in Tacumbú national prison, and 4 in Ciudad del Este regional prison. At the national level, violence among prisoners accounted for 8 deaths, 2 were caused by riots, 3 occurred during attempted prison escapes, 2 were due to accidental electrocution, 1 was a suicide and the remaining 14 deaths were due to natural causes.

Reply to paragraph 22 of the list of issues

78. With regard to persons deprived of their liberty, the Ministry of Justice has developed operating procedures for various situations that may arise, such as protocols for reporting torture, for the processing of complaints of human rights violations, for the assistance of adults deprived of their liberty, for foreigners deprived of their liberty, and for transgender persons deprived of their liberty.

Articles 12 and 13

Reply to paragraph 23 of the list of issues

79. By Resolution No. 197 of 17 October 2013, the Ministry of Justice created the Internal Affairs and Anti-Corruption Directorate, whose main objective is to support the work of the judicial authorities responsible for investigating and punishing corruption by gathering evidence of disciplinary offences and crimes against institutional interests committed by officials. The Directorate has two departments, one responsible for receiving, analysing and following up complaints, and another responsible for investigating them.

80. The Directorate has visited the country's prisons together with members and representatives of various human rights organizations in order to monitor officials' treatment of persons deprived of their liberty and to address complaints of torture or injury suffered at the hands of persons responsible for guarding inmates.

(a) A total of 18 complaints have been referred to the different offices of the Public Prosecution Service following internal investigations that uncovered crimes committed by officials of the Ministry of Justice;

(b) A total of 33 internal investigations have been referred to the Directorate of Administrative Proceedings of the Ministry of Justice.

Reply to paragraph 24 of the list of issues

81. In order to address complaints of human rights violations in the prison system, the Ministry of Justice has adopted a procedural protocol for human rights complaints made by persons deprived of their liberty (Resolution No. 870 of 6 October 2015) and a protocol for the reporting of torture (Resolution No. 679/15 of 6 August 2015), thus establishing an efficient and effective complaints mechanism.

82. The Ministry of Justice has launched 16 administrative investigations into complaints of physical abuse, which are ongoing.

Reply to paragraph 25 of the list of issues

83. The unit specialized in combating trafficking in persons and the sexual exploitation of children and adolescents, with assistance from international bodies, is currently producing a manual for criminal investigations into cases of trafficking in persons and a procedural manual that includes four protocols, relating to certification, referrals, risk assessment and the recording of cases for statistical purposes. A guide to services for

victims of trafficking and an assessment of trafficking in Paraguay, with particular emphasis on the trafficking of women and girls, are being published.

84. The child pornography ring in Tacumbú Prison was detected by an investigation led by the coordinating prosecutor of the Public Prosecution Service unit specialized in combating trafficking in persons and the sexual exploitation of children and adolescents, who charged three inmates with producing pornographic material with the participation of children and sexual coercion. The investigation discovered that the accused had contacted the adolescent girls through the Facebook and Orkut social networks via the Internet connection accessible on the computers in the prison's Libertad Wing, posing as university students. After establishing an online friendship, they then threatened and extorted the victims until they agreed to travel to Tacumbú Prison, where they were given alcohol until they were almost unconscious, and abused. In 2014, Jorge Abel Pereira and Feliciano López were sentenced to 20 years' imprisonment for deceiving, extorting and abusing two adolescents in Tacumbú Prison. Jorge Abel Pereira will be required to complete an additional 10 years' precautionary imprisonment for sending threats to the school of one of the girls.

Reply to paragraph 26 of the list of issues

85. On 15 June 2012, police officers; human rights staff from the National Police and the Human Rights Directorate of the Public Prosecution Service; two prosecutors, Ninfa Aguilar and Diosnel Giménez; and officials from the prosecutor's office in Curuguaty attended the Campos Morombí property in Curuguaty, Department of Canindeyú, with the aim of executing the search warrant issued by Judge José Benítez that provided for the gathering of data and evidence and the identification of the persons occupying the property, which was being occupied for the eighth time.

86. For this reason a joint prosecution-police operation was organized, with the National Police assuming responsibility for the safety of the participants. A dialogue was opened to persuade the occupiers to withdraw from the property, and the reason for the operation was explained to them.

87. The participants met at the entrance, where it was decided that officers from the Special Operations Unit led by Subcommissioner Erven Lovera (since deceased) would enter the property. Although initially able to enter in a patrol car, the officers were eventually obliged to continue on foot because the access road was strewn with pieces of wood studded with nails.

88. While most of the police officers held back, Subcommissioner Lovera's advance party walked until they found the main leaders of the squat, among them Avelino Espínola and Rubén Villalba. On reaching a bridge, Subcommissioner Lovera attempted to talk with them, and within minutes, one of the squatters attacked Lovera with a sickle. Seconds later, the police officers came under fire. The 6 police officers in the advance party were killed on the spot, giving rise to a shoot-out in which 11 squatters died, leaving 17 Paraguayans dead (6 police officers and 11 squatters). The armed squatters had placed themselves in strategic positions when the police officers arrived at the scene.

89. A criminal investigation into the events was launched immediately, and evidence was collected from the scene. The bodies were transferred to the judicial morgue and autopsies carried out to determine what had happened.

90. The file is known as Case No. 850/12 "Public Prosecution Service v. Felipe Benítez Balmori and others suspected of crimes against life, criminal association, invasion of property and other offences".

91. The defendants' lawyers participated fully in the investigation into the events and were able to monitor and access all proceedings during the investigation phase, which lasted six months. The indictment was submitted on 19 December 2012 and was fully supported by evidence.

92. After several months, and following several appeals and requests for suspension by defence counsel, the preliminary hearing took place.

93. It should be noted that two other defendants, one minor and one adult, were subject to accelerated proceedings and were convicted of criminal association and invasion of property.

94. The case is in the third and final stage of criminal proceedings, during which a public trial will take place, when the sentencing court will evaluate each piece of evidence presented and make a ruling. The case was submitted to the court with the charges of invasion of property[20] and criminal association.[21]

95. The defence counsel was present at the preliminary hearing and had the right to defend the accused and thus present any arguments that it deemed relevant to the indictment. However, it did not voice any opinion on the charges brought, choosing instead to launch a "trial by media" by questioning elements of the proceedings outside the hearing. The legal definition of the acts is not definitive; a fact that causes no irreparable damage because the charges may be revised if deemed necessary by the sentencing court once the evidence has been presented during the public trial.

96. The expert opinions submitted in this case relate to autopsies of the victims' bodies, the evidence collected at the crime scene, nitrite and nitrate tests, ballistics tests of seized weapons, home-made explosive devices (booby-traps), mobile telephone triangulation, surveys of the crime scene and sketches of the locations from where the bodies were removed, digital recreations, data extracted from telephone devices and measurements of the crime scene's surface area.

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[20] Article 142 of the Criminal Code states that "any person who, individually or in concert with others, and without the consent of the owner, enters the property of another person in a violent or secret manner with the aim of settling there shall be punished by up to 5 years' imprisonment". In this case, it was concluded that the property where those responsible for the punishable act were found did not belong to them, in other words, they did not have the authorization or consent of anyone who could be deemed to have rights over the property. The definition of the crime does not dictate that it must be the owner who launches proceedings; under article 266 of the Constitution and articles 15, 18, 282 and 315 of the Code of Criminal Procedure, the Public Prosecution Service has the right to initiate public criminal proceedings in order to intervene and investigate this type of crime. Here, it is important to note that, regardless of the owner, the Public Prosecution Service is able to undertake the proceedings in question in the light of reports of several crimes that were allegedly committed at the scene, including crimes against property and the environment. Therefore, the Standing Congressional Committee itself urged the Public Prosecution Service to undertake these actions.

[21] Article 239 of the Criminal Code states that "1. Any person who: (a) creates an association with a hierarchical or organized structure of any kind for the purpose of committing punishable acts, (b) is a member of, or participant in, such an association, (c) provides financial or logistical support for such an association, (d) provides services to it, or (e) promotes it, shall be punished by up to 5 years' imprisonment. 2. Attempts to commit the aforementioned acts shall also be punished. 3. When a participant's offence is negligible or their contribution secondary, the court may set aside the penalty. 4. The court may also reduce the penalty under article 67, or set it aside, when the perpetrator: (a) endeavours, voluntarily and diligently, to prevent the continued existence of the association or the commission of a punishable act in line with its aims; (b) communicates to the competent authority his or her knowledge of the punishable acts or of their planning, in sufficient time so as to prevent their commission; (c) attempted 'intentional homicide'".

97. The police officers arrived at the location to execute an arrest warrant, were ambushed by those on the property and were the first to be killed. It has been observed that the police officers died because the squatters attacked them first, and that the officers' actions were legally justified, in that they were reacting to the attack.

98. In this case, the National Police was acting in its capacity as the only State body competent to safeguard legally protected property.

99. After both inculpatory and exculpatory evidence had been gathered, the investigation and analysis of the events found that the police officers had been ambushed, and that six of them were victims.

100. The means of defence employed by the officers was necessary given the lack of an alternative. Their use of tear gas had been fruitless and insufficient because the squatters were wearing protective masks, and the officers continued to be attacked and to come under fire.

101. The actions of the police are supported by the Constitution, which authorizes self-defence. They are also regulated by the Criminal Code, which authorizes self-defence by anyone coming under attack. Uniformed personnel are legally protected in the exercise of their duties and as a State security force by National Police Organization Act No. 222/93 and the National Police manual on the use of force, which was drawn up in line with international standards.

102. There is legislation establishing a legal basis for the right of the police to use force in exceptional circumstances, and setting the limits to that right. That legislation provides for respect for human rights, in particular respect for the right to non-discrimination in the use of force.

103. Forensic evidence was gathered under the scrutiny of the defence counsel. That evidence led the Public Prosecution Service to conclude that on 15 June 2012, the persons on the property, who were aware of the joint prosecution-police operation to gather evidence and identify and apprehend individuals, had planned and mounted an armed resistance on a large slope on the property, taking up positions ready for the arrival of the police detail.

104. From the beginning of the proceedings, all of the defendants have benefited from the intervention and assistance of private lawyers. Those who did not have private lawyers were assisted by a public defender. Those lawyers have participated in and monitored all proceedings.

105. The defence lawyer representing the adolescent requested that his client have the benefit of shortened proceedings, in the light of the substantial evidence produced by the investigation. The adolescent was sentenced to a minimum suspended sentence of 2 years' imprisonment and has been granted conditional release.

106. No appeals, pleas or objections have been lodged by the defence counsel or the defendants' private lawyers, who have consented to the proceedings, and no questions have been raised that merit review by the Appeal Court.

107. The investigation was carried out within the normal time frame of six months, and the case was discussed at an open hearing during the intermediate stage of the Paraguayan criminal process,[22] when the supervisory court ruled that the case should be sent for public trial.

[22] Criminal proceedings in Paraguay comprise three stages. The preparatory stage normally lasts six months, during which the investigation takes place, with the investigating body gathering inculpatory and exculpatory evidence in an objective manner. When the investigation stage comes to an end, its

108. Investigations launched before 15 June 2012 in relation to this case demonstrate that punishable offences were committed prior to the day of the incident. These include Case No. 1740/11, which relates to a complaint of invasion of property made on 21 December 2011 and which is being handled by prosecutor Ninfa Aguilar. In connection with this case, police officers attended the scene on seven occasions.

109. Other offences were being committed on the property in the days preceding the operation on 15 June 2012. Staff members at a retreat reported that they had been victims of individuals who had entered the property violently, overpowering them and taking food, shotguns and other weapons.

110. These weapons were later seized from Campos Morombi and recognized by the retreat owner who confirmed that they were weapons stolen from the retreat.

111. Ongoing investigations into Case No. 46/12, "Unnamed Persons in relation to Torture and Other Offences", are being carried out by the Public Prosecution Service Specialized Unit No. 3 on Human Rights Offences. The case relates to alleged acts of torture and other crimes committed during the joint prosecution-police operation of 15 June 2012. Those acts were reported by the Paraguayan Human Rights Coordinating Committee (CODEHUPY), which accused unidentified police officers of having committed them.

112. The Public Prosecution Service has carried out several procedures in relation to this case, including the taking of witness statements from the alleged victims and their families, as well as from nurses, auxiliary nurses and doctors at the Curuguaty Regional Hospital, who all stated that medical care had been provided to police officers and civilians. One of the witnesses present at the crime scene, a nurse named Gladys Emilce Vera, was interviewed by an official from the Unit on 1 August 2013 and stated that she had gone to the scene to attend to the injured, both squatters and police officers. When she attended to the police officers first, a man had come out from the bushes and shot two officers in the leg.

113. Furthermore, one of the defendants, Fanny Olmedo Paredes, said in her statement that she had gone to the property with her partner, Luis Olmedo, who had been there for 15 days, because he had been promised part of the land. Luis Olmedo, also a defendant, said that he had gone to the property at the invitation of Carlos Tilleria and had remained there after being promised by Avelino Espinola and Ruben Villalba that they would receive deeds to the land, and he explained that meetings were held on Thursdays.

114. In an interview with a victim support worker, Mirta Graciela Benitez, daughter of defendant Felipe Benitez Balmori, said that her father had been trained and instructed to be at the scene, and that he did not wish to tell anyone about what they were doing at Campos Morombi.

115. In his statement, R.B., aged 16, said that on 13 June 2012, he had gone to the Marina Cué property because his brother, Pablino Barrios, had asked him to take goods there. When he had wished to leave on 15 June 2012, Ruben Villalba had forced him to remain there.

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conclusions based on the evidence gathered are presented, bringing the preparatory stage to a close and beginning the intermediate stage of proceedings. During this stage, proceedings against an accused person may be dismissed, and persons against whom there is evidence of participation in punishable offences as defined under the Republic's legislation are indicted. In such cases, a request is made for a public trial, which is the third and final stage, during which all evidence is presented before a sentencing court, which rules on whether a punishable offence has been committed and whether the accused is guilty of it.

116. According to CODEHUPY, Rodolfo Castro, brother of Néstor and Adalberto Castro, was executed. However, in his witness statement of 4 January 2013, Adalberto indicated that no one had executed his brother.

117. In addition to the witness statements, the record of the criminal investigation contains medical reports relating to the squatters who were the alleged victims of the reported crimes; victim reports relating to R.B. (an adolescent) and Miguel Ángel Correa; social environment reports; statements by police chiefs and staff involved in the operation and statements from the defence lawyers who assisted the alleged victims from the outset.

118. The Public Prosecution Service Specialized Unit on Human Rights Offences is currently endeavouring to clarify the reported facts, and the case is in the investigation phase.

119. The other issues that have arisen in relation to the case, namely the conflict over ownership of the lands, are being addressed through civil proceedings.

120. Therefore, the fact that it has not been determined whether the property belongs to a particular natural or legal person or to the Paraguayan State does not affect the charge of property invasion brought as part of this case because those on the property had entered it in a clandestine and violent manner.

121. The Public Prosecution Service collected information and was present at the crime scene. The evidence was gathered as part of prosecution proceedings by the prosecutors themselves and, together with the technical expert opinions supplied by technicians from the Public Prosecution Service forensic laboratory, was used to construct a theory regarding the case.

122. The indictment has been substantiated, and the conclusions of the investigation were discussed during the intermediate stage of the criminal process, with the supervisory court ruling that the case should be brought to trial. During that trial, the evidence will be presented and the court will rule on whether a crime has been committed and whether the defendants are guilty of the crimes with which they have been charged.

123. The evidence was duly identified, catalogued and stored. The investigation file contains a technical report on the triangulation of calls made with the defendants' mobile telephones that contains the position and location of the masts belonging to mobile telephone providers. All of the calls made on the day of the incident were triangulated, and they demonstrate that the defendants were present at the scene of the crime when it occurred.

124. With regard to the investigation launched after the murder of campesino leader Vidal Vega, at approximately 4.30 a.m. on 1 December 2012, police officers from the police station in the Campo Aguaé neighbourhood went to the Yvy Pyta neighbourhood, home to Vidal Vega, who was found dead in the supine position with gunshot wounds to the right lateral cervical region and to the abdomen. The cause of death was acute haemorrhage owing to gunshot wounds caused by multiple shotgun pellets, as recorded in the report produced by the Public Prosecution Service forensic doctor when the body was removed from the scene. The body was released to Vidal Vega's common-law wife, who stated that two unknown individuals had come to the house, asking to talk to him. When he went out to meet them, they shot him. Vidal Vega fell to the floor, dying instantly, and the two individuals fled on a motorcycle.

125. Later that day, Pánfilo Franco Toledo was apprehended, taken to Police Station No. 5 in Curuguaty and referred to the Public Prosecution Service. He provided a statement, and Vidal Vega's common-law wife also provided a witness statement. On the same day, preliminary charges of alleged intentional homicide were brought against him, and his pretrial detention was requested. A criminalistics expert was asked to attend Police Station

No. 5 in Curuguaty in order to gather evidence that might be of interest during the investigation of the facts.

126. On 1 June 2013, the accused was indicted before the Criminal Enforcement Court as a joint perpetrator, given that the result of the nitrate and nitrite test was negative. The case was sent to trial, which was due to take place on 8 June 2015 but was suspended. A new date for the trial has yet to be set.

Article 14

Reply to paragraph 27 of the list of issues

127. Act No. 4793/12, promulgated in November 2012, which establishes a framework for the provision of comprehensive health care to the victims of the dictatorship of 1954-1989, is currently in force. Article 1 of the Act guarantees access to free medical, surgical, pharmacological and psychological care in health-care facilities belonging to the Ministry of Public Health and Social Welfare. To implement the aforementioned Act, a framework agreement for inter-institutional cooperation was signed between the Ministry of Public Health and Social Welfare and the Directorate-General for Truth, Justice and Reparation of the Ombudsman's Office. The main purpose of the agreement is to set the terms and conditions for support and joint action between the two institutions to enable them to cooperate in disseminating human rights principles and in giving effect to the recommendations contained in the final report of the Truth and Justice Commission relating to the provision of comprehensive care to victims and to the creation of the National Gene Bank.

Reply to paragraph 28 of the list of issues

128. The reparations programme of the Directorate-General for Truth, Justice and Reparation has been developing a method of work to frame the process of devising a strategic plan. The priorities for the implementation period of the strategic plan were established through dialogue processes, as follows: initiate transitional justice processes based on the recommendations contained in the report of the Truth and Justice Commission.

129. Legislation on reparations in Paraguay:

(a) Act No. 838/96 on the compensation of victims of human rights violations during the dictatorship of 1954-1989;

(b) Act No. 3603/08 amending Act No. 838/96 on the compensation of victims of human rights violations during the dictatorship of 1954-1989;

(c) Act No. 4381/11 amending articles 1 and 3 of Act No. 838/96 on the compensation of victims of human rights violations during the dictatorship of 1954-1989 and amendments thereto.

130. Following a request submitted by a number of national senators to repeal article 2 of Act No. 3603/2008 amending Act No. 838/96 on the compensation of victims of human rights violations during the dictatorship of 1954-1989, a public hearing was held in the National Congress in July 2015. At the hearing, the preliminary draft bill on providing comprehensive reparation to victims of the dictatorship was submitted. The purpose of the preliminary draft bill is to regulate the symbolic and administrative reparation, in both material and non-material form, provided to the victims of serious human rights violations, including violations of the right to life, integrity of the person and freedom, perpetrated by public officials, employees or agents of the State. Similarly, the Ombudsman's Office, through the Directorate-General for Truth, Justice and Reparation, has submitted the following preliminary draft bills:

(a) Preliminary draft bill on comprehensive reparation to victims of the dictatorship;

(b) Preliminary draft bill on the establishment of the National Committee for the Prevention of Genocide and Mass Atrocities;

(c) Preliminary draft bill on the establishment of the National Network of Memorial and Conscience Sites;

(d) Preliminary draft bill on the establishment of the National Information System of Paraguay.

Reply to paragraph 29 of the list of issues

131. In its final report, the Truth and Justice Commission documented 336 cases of victims of enforced disappearance that took place between 1954 and 1989. Since 2006, various entities have been searching for persons who were made to disappear for political reasons during that period.

132. This work was begun by the Enforced Disappearances and Extrajudicial Executions Investigation Unit of the Truth and Justice Commission (2006-2008), was continued by the Directorate-General for Truth, Justice and Reparation of the Ombudsman's Office (July 2009 to March 2013), and is currently being conducted by the Directorate for Reparation and Historical Memory (DRMH), which is attached to the Directorate-General for Human Rights of the Ministry of Justice and which was established by Resolution No. 285/13 for the purpose of organizing, coordinating and putting into effect a national system for searching for and identifying disappeared persons. The Directorate's activities were declared a national priority by Decree No. 11622/13.

133. Nine years of work have, to date, led to the exhumation of a total of 34 sets of remains of disappeared persons, which were discovered on various public and private premises throughout the country. The remains are currently being held in the storage facility of the Public Prosecution Service pending identification.

134. Since May 2013, investigations have been conducted in connection with the search for possible graves of individual children and mass graves. These investigations led to the excavation of sites presumed to contain the bodies of persons reported to have disappeared, the majority of whom were members of the Movimiento 14 de Mayo (14 May Movement) and the Frente Unido de Liberación Nacional (United National Liberation Front), both of which had been persecuted by the Stroessner regime in the 1950s and 60s.

135. During this time, a total of six human skeletons were discovered in two mass graves, with two discoveries made in each one, as well as two graves of individual children, one of which contained a human skeleton and the other skeletal remains. The necessary arrangements were made to enlist the services of the Argentine Forensic Anthropology Team (EAAF) to identify all the human skeletons exhumed. In this context, strategic partnerships were formed with civil society organizations. An agreement was also signed with the Institute for Comparative Studies in Criminal and Social Sciences (INECIP) and with the Paraguay Peace and Justice Service as a means of strengthening and expediting the work related to the objectives and mandate of the Directorate for Reparation and Historical Memory (DRMH).

136. With regard to the aforementioned investigations, excavations and exhumations, in May, June, July and August 2013, DRMH conducted investigations at the premises of the special branch of the National Police, where nine empty mass graves and 15 human skeletons had already been discovered in different areas of the premises from July 2009 until March 2013. The investigations conducted at the premises comprised on-site monitoring, interviews with various individuals and the gathering of new testimonies.

Furthermore, a total of 252 trenches[25] were dug during that time, a method of work based on investigations and the testimonies of qualified witnesses.

137. However, various testimonies point to the existence of child graves in several locations within the special branch of the National Police, both in unbuilt areas and in areas where new facilities have been built from 1980 onwards, for which reason the investigations are ongoing. A plan to carry out new interventions at the premises is currently being devised to allow the excavations to continue. While these events were taking place, an investigation was conducted at an estate located in the Tava'i district in the Department of Caazapá, which involved surveying the land, conducting interviews with settlers and gathering files. This led to the discovery of a mass grave in August from which two human skeletons were exhumed. It is presumed that both were members of the 14 May Movement.

138. During the course of September and October 2015, testimonies were collected from the family members of disappeared persons, ex-soldiers and local residents in the Departments of Caazapá and Itapúa.

139. On the basis of the investigations conducted in November, a land survey was carried out at the Eitel Becker premises, located within the company Triunfo 55, which is 12 kilometres away from María Auxiliadora in the Department of Itapúa. On this occasion, a mass grave was excavated, leading to the discovery of two skeletons, which were exhumed. Those skeletons most likely belonged to members of the 14 May movement. The skeletons were found only 15 centimetres below the ground and it is believed that the persons in question were ambushed, executed and buried extrajudicially by the troops of the then high command of the army, General Patricio Colman, sometime between November and December 1959.

140. The data and information collected point to the existence of another seven bodies, which are most likely buried at the Becker property and in the surrounding area and which presumably belong to members of the 14 May Movement.

141. In December 2013, the investigations continued in the area of Caazapá, where a site presumed to contain a child grave was identified. Similarly, a possible mass grave was identified in Estancia Tapyta, which borders Toro Blanco at the edge of the Moisés Bertoni reserve. All the skeletal remains discovered in the excavations were delivered to the Public Prosecution Service, which placed them in its forensic storage facility for safekeeping.

142. In January 2014, field investigations continued in the locality of Tava'i. In February, the investigation team returned to Estancia Tapyta in the Department of Caazapá, where an excavation was carried out at the request of members of the family of the leader of the 14 May Movement, Juan José Rotela, who was arrested and disappeared in 1960. The excavation was carried out in cooperation with the national team responsible for investigating, searching for and identifying persons who were arrested, disappeared and were extrajudicially executed during the period 1954-1989 (ENABI), with the expertise of judges and prosecutors who had travelled from Asunción. The excavation did not yield any positive results.

143. Investigations continued in the Departments of Itapúa, Caazapá and San Pedro from March to November.

[25] The trench methodology is a manual form of excavation that allows the full exploration of the terrain in order to confirm the presence of human remains in the area. This method has been used exclusively at the premises of the special branch of the National Police, as it was thought to have been a clandestine cemetery during the dictatorship.

144. In a property belonging to a former police chief, Pastor Coronel, in the locality of Puerto Rosario in the Department of San Pedro, three underground rooms which probably contain bodies of disappeared persons were discovered. On this occasion, the Directorate for Human Rights of the Public Prosecution Service intervened and a "no change" order applicable to the premises was issued. This site is still pending in the plans and timetable for future excavations.

145. As a result of the pertinent investigations and inquiries, in November a team was assembled to carry out an excavation in Ñu Kañy, one year and four months after the discovery of a possible mass grave. The result was the discovery and exhumation of two skeletons, one of which was intact and the other consisting of skeletal remains (teeth). This work was done in cooperation with ENABI.

146. The investigations in Itapúa continued during November and December, leading to the discovery of three possible mass graves.

147. Between January and March 2015, investigations were conducted in the Departments of Itapúa, Cordillera, Caazapá and San Pedro on the basis of new testimonies pointing to possible locations of mass graves.

148. The following projects were carried out in order to identify the skeletal material discovered to date and to strengthen the technical capacity of DRMH: (a) an identification project with the Argentine Forensic Anthropology Team (EAAF); (b) a project to identify the remains of victims of enforced disappearance in Paraguay, in cooperation with the EAAF and by agreement with the local INECIP, aimed at initiating the process of identifying the 34 sets of skeletal remains and human skeletons discovered to date.

149. In this connection, full-day workshops have been held in Asunción with the EAAF professionals, who travelled to Paraguay to schedule the activities to be carried out as part of a two-year workplan. Moreover, meetings were held in person and via Skype with the technical team of INECIP and other professionals from EAAF. The activities scheduled for 2014-2016 include: (a) creation of a population base to record the frequency of genetic markers of forensic interest; (b) creation of a bank of blood samples of relatives of persons abducted for political reasons, and of a database of genetic profiles; (c) construction of the genetic profile of samples of recovered skeletons and their anthropological examination; and (d) forensic training.

150. To meet these objectives, DRMH is responsible for submitting the following to EAAF: (i) a database of persons who disappeared during the dictatorship of Alfredo Stroessner; (ii) a list of cases involving exhumations ordered by location, with the corresponding technical reports; (iii) a file detailing the new cases for which an excavation is necessary with the following information: georeferenced data, testimonies, information on the site's history and a photographic record of the site; (iv) 600 random blood samples from the population; and (v) 200 blood samples from family members of disappeared persons.

151. The database of persons who disappeared during the dictatorship of Alfredo Stroessner, which is one of the items to be submitted to EAAF, has already been created and is being completed with the addition of archival research and prosecutorial case files under examination by the Specialized Unit on Human Rights Offences of the Public Prosecution Service.

152. To date, the data of more than 400 persons reported as having been the victims of enforced disappearance during the period 1954-89 have been uploaded.

153. The purpose of the framework agreement concluded between DRMH and the Paraguay Peace and Justice Service is to frame the development of a pilot plan for searching for and identifying persons who disappeared during the Stroessner dictatorship.

The agreement provides for enlisting the services of two external consultants as a means of building the Directorate's capacity, particularly with respect to systematizing the nine years of work conducted by the State in this area, and establishing and institutionalizing protocols for searching for and identifying disappeared persons. It was deemed necessary for the State and civil society to join forces to bolster the efforts of the various State entities working to provide victims with reparation in order to translate these lines of action into public policies that transcend the actions of individual governments.

154. The ENABI is an inter-institutional team created by Decree No. 7101/11, as amended by Decree No. 10970/13, which is coordinated by the DRMH. The purpose of the team is to give effect to the recommendations made by the Truth and Justice Commission on searching for and identifying persons who disappeared during the Stroessner dictatorship.

155. On 20 May 2015, ENABI met for the first time that year to discuss and begin drafting strategic guidelines, which will be further developed this year, on its aims and objectives, and to report on the progress made and the results obtained in identifying the 34 sets of skeletal remains discovered to date.

156. The DRMH organized a meeting with representatives of six member institutions of ENABI: the National Secretariat for Culture, the unit specializing in human rights of the Public Prosecution Service, the Ministry of Foreign Affairs, the Ombudsman's Office, the Ministry of Public Health and Social Welfare and the Ministry of Justice.

157. The meeting produced the following agreements: the signing of a contract between INECIP and EAAF for the purpose of shipping blood samples to Argentina with the assistance of the Ministry of Foreign Affairs; a cooperation agreement between DRMH and the Directorate-General for Truth, Justice and Reparation of the Ombudsman's Office for the purpose of creating a database of the family members of disappeared persons and, subsequently, a gene bank of those family members, based on the testimonies recorded during the indemnity collection process. Once the family members in question have been located, the necessary blood samples will be taken from them to identify the remains, in keeping with due legal and ethical process.

158. At the meeting, attention was drawn to the need to promote and strengthen efforts to preserve the Paraguayan historical memory in the education sector, and for ENABI to extend a special invitation to the Directorate for Human Rights of the Ministry of Education and Culture. The National Secretariat for Culture reported on the preliminary draft bill on heritage, which includes clauses on historical memory and memorial sites. Also mentioned at the meeting was the need to draw up a budget for ENABI for the year 2016; for cooperation between the Ministry of Justice and the National Secretariat for Culture in terms of communication during the process of identifying persons disappeared during the Stroessner dictatorship; and for cooperation between the Ministry of Foreign Affairs and the Ministry of Justice in seeking international assistance to trace and identify disappeared persons.

159. Workshops were held at the premises of INECIP with a professional from EAAF, Miguel Nieva, who had travelled to Paraguay in March to schedule the activities to be conducted as part of a two-year workplan.

160. Moreover, virtual meetings were held with the Director and the EAAF official responsible for genetics on technical matters chiefly relating to the genetic profile of the Paraguayan population and to the gene bank of the family members.

161. The activities scheduled for 2015-2016 include: (i) the creation of a Paraguayan population base to record the frequency of genetic markers of forensic interest; (ii) the creation of a bank of blood samples of relatives of persons who were made to disappear for political reasons, and of a database of genetic profiles; (iii) the construction of the genetic

profile of samples of recovered skeletons and their anthropological examination; and (iv) the provision of forensic training to the security forces, prosecutors and forensic specialists.

162. Clause 4, paragraph (a), sets out the obligations of the Ministry of Justice, which include "cooperating with and invigorating ENABI in order to contribute effectively to investigation efforts and receiving the corresponding technical training". Pursuant to this clause, a working meeting was held with ENABI in May 2015 to discuss and begin drafting strategic guidelines, which will be further developed this year, on its aims and objectives, and to report on the progress made and the results obtained in identifying the 34 sets of skeletal remains discovered to date.

163. As part of the process of reviewing and organizing the documentation relating to the disappeared persons, a database containing personal data about the disappeared persons, including their legal status, pre-mortem information, DNA samples from family members and contact details was created on the basis of the information contained in the files on the disappeared persons found in volume VIII of the final report of the Truth and Justice Commission, the complete set of files on the disappeared persons of the Directorate-General for Truth, Justice and Reparation of the Ombudsman's Office and an examination of prosecutorial case files under examination by the Specialized Unit on Human Rights Offences of the Public Prosecution Service.

164. In addition to the official list of 336 disappeared persons drawn up by the Truth and Justice Commission, to date around 100 new cases have been reported to the Public Prosecution Service, which brings the total number of cases of persons reported as having been subjected to enforced disappearance during the period 1954-1989 to more than 400.

165. To begin the process of constructing a genetic profile of the Paraguayan population, 28 volunteers from different departments volunteered to take blood samples in their respective areas. A random sampling was carried out, consisting of 550 blood samples from unrelated men, who gave blood voluntarily by informed consent. Subsequently, the consent of the donors was recorded and digitalized to allow the blood samples and documents to be shipped to EAAF in mid-November.

166. The samples collected by the DRMH from the different regions of the country were sent to the Public Prosecution Service in order to safeguard the chain of custody. The Public Prosecution Service then transmitted them to the Argentine Embassy. The EAAF then withdrew the samples from the Argentine Chancellery and will send them to the laboratory for analysis. This procedure was conducted in accordance with the Paraguayan regulations for the transfer of biological tissue samples.

167. To create the gene bank of the family members of disappeared persons, a contact list of the family members was drawn up on the basis of the information contained in the final report of the Truth and Justice Commission and new information collected from several sources, including the Specialized Unit on Human Rights Offences of the Public Prosecution Service, the internal archives of the DRMH and the records of blood samples of family members collected since 2006. The plan to collect 200 blood samples is currently being executed and is at the preliminary collection phase. The following actions are being taken to facilitate its execution: (i) a list of family members to be contacted is being drawn up; (ii) contact is being made with the family members via telephone to check facts; and (iii) blood sample collection days are being coordinated with the unit specializing in human rights of the Public Prosecution Service. Of the 200 blood samples expected, to date 153 have been collected from family members living in Paraguay and Argentina. These samples have already been sent to the EAAF, along with the blood samples taken for the purpose of constructing a genetic profile of the Paraguayan population and the instructions for transmitting that profile, in mid-November 2015.

168. The objective of the first phase of the national campaign to identify persons who disappeared between 1954 and 1989, "Jajoheka Jajotopa", is to make contact with family members of persons who disappeared during the Stroessner dictatorship in order to take blood samples from first and second degree relatives with a view to creating a gene bank of family members, and to gather additional pre-mortem information to assist efforts to identify the skeletons uncovered to date. At the same time, efforts are being made to alert the population and the authorities to the importance of strengthening historical memory as a means of obtaining truth, justice and reparation. This work is carried out by three entities: (1) the State, through ENABI; (2) society, through the coordinating committee for identifying disappeared persons, a recently established body composed of family members of disappeared persons and of human rights organizations whose mandate covers the dictatorship of 1954-1989; and (3) the media, through communication campaigns, such as radio and television spots and graphics, which are produced for dissemination by national, commercial, community and alternative media outlets, and by social media, through the appropriate management of the media and the press. The campaign was declared to be in the national and social interest by the Chamber of Deputies in Declaration No. 333 issued during its ordinary session of 10 September 2015.

Article 15

Reply to paragraph 30 of the list of issues

169. As to the specific measures taken to ensure observance, in practice, of the principle of inadmissibility of evidence obtained by means of torture, it should be noted that article 174 of the Code of Criminal Procedure on probative exclusions provides that "acts that infringe procedural guarantees enshrined in the Constitution, international law or in domestic law, as well as all other acts that may stem from them, shall be devoid of any probative value". Probative elements obtained in violation of the individual guarantees recognized by the Constitution may not be used as evidence and shall be considered unlawful and lacking in value as grounds for the judge's decision.

170. In this regard, Paraguay's criminal procedure legislation is in line with the provisions of article 17, paragraph 9, of the Constitution, which provides that: "In all criminal proceedings and in any other type of proceedings which may result in the imposition of a penalty or sanction, all persons have the right not to have evidence obtained or measures taken in violation of legal norms used against them", which in legal doctrine is known as the "forbidden fruit" theory, which requires any evidence obtained in violation of national or international legal norms to be excluded.

171. It should be noted that the Public Prosecution Service, as a representative of society[24] and the entity responsible for public prosecutions,[25] is the State body tasked with

[24] Article 266 of the Constitution — Composition and functions: the Public Prosecution Service represents society before the State courts and enjoys operational and administrative autonomy in the exercise of its duties and powers. This service is provided by the Attorney General's Office and State prosecutors in the manner provided for by law.

[25] Article 268 of the Constitution — Duties and powers: the duties and powers of the Public Prosecution Service include: (1) ensuring respect for rights and constitutional guarantees; (2) instituting public criminal proceedings to safeguard the public and social heritage, the environment and other broad interests, as well as the rights of indigenous peoples; (3) instituting criminal proceedings in cases where the application of a party is not necessary to initiate or pursue such action, without prejudice to the prerogative of the judge or court to proceed on their own initiative when provided for by law; (4) gathering information from public officials with the aim of improving their performance; and (5) exercising any other duty or power provided for by law.

initiating the investigation of punishable acts that are brought to its attention.[26] It should also be highlighted that the Constitution recognizes the right to life as a fundamental right inherent in the human person and protects it from the moment of conception,[27] as well as the right of all persons to enjoy the fundamental rights enshrined therein on an equal footing.[28]

Article 16

Reply to paragraph 31 of the list of issues

172. The National Commission to Prevent and Comprehensively Address Violence Affecting Children and Adolescents, which was created by Decree No. 11.056, has been operating since 2013 and has promoted the submission of the bill on the proper treatment of children and adolescents to the National Congress.

173. A campaign entitled "For the proper treatment of children" was also launched. As part of this campaign, the National Secretariat for Children and Adolescents (SNNA) has appointed a working group which has organized conferences and discussions to raise awareness of this issue in shopping centres in the metropolitan area. The campaign's slogans include: "Listen to me, hitting doesn't teach me a lesson, it hurts" and "Embrace me", which make a simple and direct appeal to adults responsible for the care of children and adolescents to use positive child-rearing methods and to avoid using corporal or mental punishment as a form of discipline.

Reply to paragraph 32 of the list of issues

174. The Ministry of Labour, Employment and Social Security was established by Act No. 5115/13 [29] in late 2013. Previously, the aforementioned Administrative Labour Authority had the rank of a vice ministry. The Act in question led to the introduction of effective safeguards for workers' rights in Paraguay.

175. Prior to the establishment of the Ministry of Labour, Employment and Social Security, one of the measures taken by the former Ministry of Justice and Labour to prevent labour exploitation was to create the National Commission for Fundamental Rights at Work and the Prevention of Forced Labour (CONATRAFOR) by Resolution No. 230/09.

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[26] Article 52 of the Code of Criminal Procedure — Functions: the Public Prosecution Service, by means of prosecutors, appointed public officials and its auxiliary bodies, is responsible for leading investigations into punishable offences and instituting public criminal proceedings. To this end, it shall take all action necessary to prepare the indictment and to take part in the proceedings, in accordance with the provisions of the Code and its Organizational Act.

[27] Article 4 of the Constitution — Right to life: the right to life is inherent in the human person. Its protection is generally guaranteed from the time of conception. The death penalty has been abolished. The State shall protect the physical and mental integrity, as well as the honour and reputation, of all persons. The law shall regulate the freedom of persons to dispose of their own body only for scientific or medical purposes.

[28] Article 46 of the Constitution — Equality of persons: all inhabitants of the Republic are equal in dignity and rights. Discrimination is prohibited. The State shall remove the obstacles and address the factors preserving or promoting that phenomenon. Any protective measures adopted to combat unjust inequalities shall not be considered as discriminatory factors but as egalitarian factors. Article 47 of the Constitution — Guarantees of equality: the State shall guarantee all inhabitants of the Republic: (1) equality of access to justice by removing the obstacles preventing it; (2) equality before the law; (3) equality of access to non-elected public office with no requirements other than aptitude, and equal opportunities to enjoy the benefits of nature, material assets and culture.

[29] Available at: www.mtess.gov.py/index.php/dgss/marco-legal/leyes.

176. The Ministry of Labour, Employment and Social Security also has a regional office in the locality of Teniente Irala Fernández (Chaco), which provides assistance to both workers and employers. In April 2015, the Ministry of Labour, Employment and Social Security led a delegation to conduct a technical visit to Chaco Central. On that occasion, it met with local authorities, including the Governor of the Department of Boquerón and the Mayor of Filadelfia, and representatives of the indigenous communities in the area. It was also decided that joint activities would be conducted in the region of Chaco to raise awareness of labour rights and that tripartite meetings in which indigenous communities could participate would be held. The Association of Mennonite Colonies of Paraguay was also invited to be represented at the next International Labour Conference of the International Labour Organization (ILO) in June 2015.[30]

177. The Ministry of Labour, Employment and Social Security offered to organize a coordination meeting with the National Institute of Indigenous Affairs to assist with consultations on indigenous labour rights.

178. One of the measures taken by the State to eradicate all forms of labour exploitation affecting minors was to launch a prevention, intervention and protection programme for children and adolescents called "Embrace".[31] The programme received technical and financial assistance from the United Nations Children's Fund (UNICEF) and from other international agencies. Since 2012, the National Secretariat for Children and Adolescents has been coordinating activities through municipalities and public services throughout the country and is currently working in partnership with various municipalities in that connection.[32]

179. In June 2011, the National Secretariat for Children and Adolescents, with the support of ILO, began executing an action plan to extend the scope of the "Embrace" programme to cover other hazardous forms of child labour, specifically brick-making in the factories of Tobatí and the work performed in the dumping site of the city of Encarnación.

180. Children and adolescents under the age of 18 are prohibited from working in factories and in other unhealthy environments since the State ratified the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) in 2001 and adopted the regulations set out in Decree No. 4.951, which includes a list of hazardous jobs.

181. The Directorate for the Protection of Children and Adolescents was recently created within the Ministry of Labour, Employment and Social Security. The Directorate is responsible for executing policies aimed at preventing child labour and protecting adolescents at work.[33]

182. The tasks performed by the Directorate are complemented by the activities conducted by the National Commission for the Eradication of Child Labour and the Protection of Adolescent Workers (CONAETI), which is a quadripartite coordination body.[34]

183. The Commission has identified the need to devise a new strategy to ensure the continuity of the actions undertaken within the framework of the National Strategy to

[30] http://www.mtess.gov.py/index.php/noticias/mtess-realiza-inspeccion-en-el-chaco-centr

[31] The programme began as a civil society initiative, which was run by non-governmental organizations from April 2005 to 2007 and, as of 2007, by the Secretariat for Social Action. In November 2008, it was taken over by the National Secretariat for Children and Adolescents for the purpose of providing a comprehensive response to the situation of under 14-year-olds performing child labour in the capital and in other cities in the country.

[32] Tobatí, Encarnación, Hernandarias, Ciudad del Este, Itaugua, among others.

[33] http://www.mtess.gov.py/index.php/dgss/marco-legal/leyes

[34] http://www.mtess.gov.py/index.php/conaeti

Prevent and Eradicate Child Labour and to Protect Adolescent Workers 2010-2015,[35] for which purpose support will be received from UNICEF.

184. Moreover, a national plan has been developed to prevent and eradicate the abuse or sexual exploitation of children and adolescents and to assist the victims of those phenomena.

185. As to the work undertaken to detect the presence of workers who are below the statutory minimum age limit established in domestic and international regulations, the labour inspectors of the Ministry of Labour, Employment and Social Security travelled to the Department of Concepción to carry out checks on the situation in limestone quarries with a view to detecting the presence of minors working there.

186. A number of training workshops are currently being conducted on the use of the inter-institutional guide on assisting children and adolescents engaged in child labour, which coincides with a recent discussion on the need to align the text of the Code on Children and Adolescents with the provisions of the international labour conventions ratified by Paraguay.

187. In the Department of Caaguazú, a pilot project to coordinate the work being done under the social programmes "Tekoporã" and "Embrace" is being implemented with a view to ensuring that the two programmes are complementary and pay special attention to the prevention of child labour.[36]

188. With the assistance of the ILO, the Directorate-General for Statistics, Surveys and Censuses (DGECC) has set about conducting the first ever survey on child labour in rural areas.[37] The survey will help to identify the types of work involved and the areas in which such work is being performed, which will inform the approach taken in the relevant public policies.

189. The National Institute of Indigenous Affairs draws attention to the following actions and measures aimed at eliminating all forms of labour exploitation within the Guarani ethnic group and other indigenous communities: (a) a seminar on labour rights organized by the Trade Union Confederation of the Americas (CSA) and the International Trade Union Confederation (ITUC) in 2012 at the Filadelfia-Chaco Hotel; (b) training sessions for labour instructors at the headquarters of the Directorate-General for Employment on 16 April 2013.

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190. It should be noted that Act No. 1562/2000, the Public Prosecution Service Organizational Act, provides that the Public Prosecution Service is to represent society before the State courts in order to ensure respect for rights and constitutional guarantees; institute public criminal proceedings to safeguard the public and social heritage, the environment and other general interests, as well as the rights of indigenous peoples; and institute criminal proceedings in cases where the application of a party is not necessary to initiate or pursue such action.

191. The Public Prosecution Service is responsible for ensuring that punishable offences subject to public criminal proceedings do not go unpunished; that the population is aware of the penalties that those offences carry; and that these penalties are an efficient means of protecting legal assets, as well as for the rehabilitation of convicts and the protection of society.

[35] http://www.mtess.gov.py/application/files/8214/2974/4652/resolucion03-10.pdf

[36] http://www.sas.gov.py/noticia/1242-la-mejor-inversion-que-puede-hacer-un-gobierno-es-atender-a-las-ninas-y-ninos.html#.VfhQrRF_Oko.

[37] http://www.dgeec.gov.py/index.php.

192. As to the outcome of investigations, attention should be drawn to the provisions of the Criminal Code relating to the public nature of preliminary investigations, which are only public to the parties and the victim when he or she submits a request to this effect. This is to avoid violating fundamental rights, such as the presumption of innocence.

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193. Through education institutions, the armed forces continue to carry out activities and initiatives to ensure that citizens embarking on a career in the military are aware of and apply fundamental human rights principles.

194. The Peace Operations Training Centre of Paraguay (CECOPAZ) is a joint national centre responsible for dispensing training to all staff who are members of delegations participating in peacekeeping operations.

195. The members of the Peace Operations Training Centre receive training through the different courses run by peacekeeping training centres in other countries, such as the Brazilian Peace Operations Joint Training Centre (CECOPAB), the Massachussetts National Guard in the United States, the Argentine Peace Operations Joint Training Centre (CAECOPAZ) and the Uruguayan Academy for Peace Operations (ENOPU), in which staff participate on a permanent basis to receive training in different fields. In addition to the aforementioned courses, the members of the Peace Operations Training Centre also take part in discussions, seminars, conferences, workshops and training days organized by various government entities, such as the Ministry of Women and the National Secretariat for Children and Adolescents, which are also run by non-commissioned officers with experience in peacekeeping missions.

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196. As to the measures taken in response to the threat of terrorism, it should be noted that the current legal framework and policies in force comply strictly with the provisions of the Constitution, the international treaties signed and ratified by Paraguay, laws and other applicable legal regulations, and the Universal Declaration of Human Rights.

197. It should be recalled that Act No. 4024 of 23 June 2010, punishing acts of terrorism, association for purposes of terrorism and the financing of terrorism is fully in force.[38]

[38] Article 1. Any person who, with the aim of instilling or causing terror, obliging or coercing (1) the Paraguayan population or that of a foreign State, (2) constitutional bodies or their members in the exercise of their functions, or (3) an international organization or its representatives to commit or to refrain from committing an act, commits or attempts to commit the following punishable offences provided for in Act No. 1160/97, the Criminal Code and Act No. 3440/08 amending it: (1) Genocide, homicide and serious injury within the meaning of articles 319, 105 and 112, (2) offences against freedom within the meaning of articles 125, 126 and 127, (3) offences against the natural foundations of human life within the meaning of articles 197, 198, 200 and 201, (4) punishable offences against the security of persons in the face of collective risks within the meaning of articles 203 and 212, (5) offences against the security of persons in transit in the sense of articles 213 to 216, (6) offences against the functioning of essential services within the meaning of articles 218 to 220, and (7) sabotage within the meaning of articles 274 and 288, shall be liable to a prison term of between 10 and 30 years.

Article 2. Terrorist associations. 1. Any person who (1) creates an association which is organized in any way for the purpose of committing the punishable terrorist offences provided for in article 1 of the present Act, (2) is a member of or participates in such an association, (3) provides it with financial and/or logistical support, (4) provides it with any other form of support, or (5) promotes it, shall be liable to a prison term of between 5 and 15 years. II. The provisions of article 239, paragraphs 3 and 4, of the Criminal Code and Act No. 3440/08 amending it shall also apply in these circumstances.

Furthermore, Act No. 4503/2011 on the freezing of funds or financial assets is also applicable in cases where it is found that individuals, groups, companies or entities associated with a terrorist organization attempt to generate income through any activity in the national territory.

198. Moreover, the commissioned and non-commissioned officers of the Secretariat for the Prevention and Investigation of Terrorist Acts (SEPRINTE), have received training on human rights at both national and international level at the International Law Enforcement Academies based in Roswell, United States, and in San Salvador, El Salvador.

199. Lastly, it should be emphasized that, to date, there have been no complaints or incidents of non-compliance with the aforementioned international standards.

200. The Public Prosecution Service has a unit specializing in punishable offences against personal freedom (the anti-abduction and antiterrorism unit) which covers the whole of the national territory. This unit works in partnership with the Deputy Prosecutor's Office for the prevention of abduction, which was created in 2011. Units specializing in punishable offences against personal freedom have also been set up in the interior of the country.[39] It should be mentioned that these specialized units comprise a team of professionals trained by international agencies specialized in combating abduction.

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201. In addition to the measures already mentioned in response to the specific questions contained in the list of issues, the relevant measures taken by the State to give effect to the provisions of the Convention or the Committee's recommendations include the alignment of the Criminal Code, specifically the legal characterization of disappearance and that of the crime of torture contained therein, with the definition set out in the Convention against Torture, and the alignment of the protocols of the Public Prosecution Service and the Ministry of Justice with the Istanbul Protocol.

202. Furthermore, following its entry into force, the new Criminal Enforcement Code will allow time spent working and studying in prison to be deducted from the total length of the prison term. Thus, this bill, like others proposed by the Ministry of Justice, serves to promote social reintegration today and will allow the early release of persons deprived of their liberty in the near future.

Article 3. Financing of terrorism: any person who provides, purchases or collects objects, funds or other goods in order for them to be used or knowing that they will be used either in their entirety or partially to commit any punishable offence within the meaning of article 1 of the present Act, shall be liable to a prison term of between 5 and 15 years.

[39] In the Departments of Concepción and Amambay.